

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

RICHARD J. HARLEY,

Defendant

No. 3:12-CR-224

Honorable A. Richard Caputo

(Electronically Filed)

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**MOTION FOR A JUDGMENT OF ACQUITTAL  
AND/OR NEW TRIAL OF DEFENDANT, RICHARD J. HARLEY**

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Defendant, Richard J. Harley, requests that the Court enter Judgment of Acquittal in his favor or, in the alternative, that the Court award him a new trial.

The basis for this Motion is as follows:

1. The evidence was insufficient as a matter of law to sustain the charges contained in the Indictment.
2. A new trial should be awarded based on the presentation before the jury of a letter by the United States which indicated that Harley had a previous criminal conviction.
3. The Indictment should be dismissed based on the fact that the United States Attorney presented evidence to the Grand Jury which indicated that Harley

never had the original of the oil promissory note and then presented evidence at trial that Harley did, in fact, have the original of said note.

Respectfully submitted,

/s/ Joseph A. O'Brien, Esquire

Joseph A. O'Brien, Esquire

*Attorney for Defendant, Richard J. Harley*

Attorney ID: 22103

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**CERTIFICATE OF SERVICE**

I, **Joseph A. O'Brien, Esquire**, of Oliver, Price & Rhodes, hereby certify that on the 30<sup>th</sup> day of December, 2014, I served a true and correct copy of the foregoing MOTION FOR A JUDGMENT OF ACQUITTAL AND/OR NEW TRIAL OF DEFENDANT, RICHARD J. HARLEY which was filed pursuant to the rules of civil procedure and electronically filed and electronically forwarded to:

Bruce D. Brandler, Esquire  
U.S. Attorney's Office  
228 Walnut Street  
Harrisburg, PA 17108  
Email: [bruce.brandler@usdoj.gov](mailto:bruce.brandler@usdoj.gov)

/s/Joseph A. O'Brien, Esquire  
Joseph A. O'Brien, Esquire  
*Attorney for Defendant, Richard J. Harley*  
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**CERTIFICATE OF NON-CONCURRENCE**

I, **Joseph A. O'Brien**, hereby certify that U. S. Attorney Bruce Brandler does not concur in the Motion for Judgment Acquittal and/or New Trial.

Respectfully submitted,

/s/Joseph A. O'Brien, Esquire  
*Attorney for Defendant, Richard J. Harley*  
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